FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.8084 OF 2006

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.B.G.Vaidya for the petitioner.

Mr.Amit Borkar for respondent nos. 1 & 2.

Coram : S.A.Bobde,J

Date : 13.07.2007.

PC

1. This petition is by the defendants against the order of the learned Adhoc Additional District Judge, Kolhapur granting injunction to the respondents. Having heard both the sides and having perused the impugned order, there is no reason to interfere with the injunction. The lower Appellate Court has held that the respondents have succeeded in establishing their prima facie case in respect of the suit land and that the balance of convenience is in their favour on

the basis of the relinquishment deed executed by the sisters including the petitioner no.1 of their un-divided shares in the joint family property in favour of the respondents. The relinquishment deed is registered with the Sub-Registrar, Karveer on 22.6.2004. The sisters have not denied their thumb impression on the relinquishment deed. The learned lower appellate Court has rightly not given weight to the fact that the petitioner has filed the civil suit for having the relinquishment deed set aside, since that mere filing of the suit does not take away the effect of the relinquishment deeds. The trial Court is directed to decide the suit as expeditiously as possible after considering the petitioner's application for consolidation of the two suits.

(S.A.Bobde,J)